

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKWilfredo TORRESRECEIVED
SDNY PRO SE OFFICE

2016 MAR 29 PM 2:40

(In the space above enter the full name(s) of the plaintiff(s).)

S.D. OF N.Y.

COMPLAINT

-against-

Nyc Police DepartmentJury Trial: ☒ Yes ☐ No
(check one)Nyc Department of Buildings
Bellevue South Associates

16CV2362

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Wilfredo TORRES
 Street Address 470 Second Avenue Apt 2A
 County, City New York, N.Y. 10016
 State & Zip Code
 Telephone Number 212-447-1737

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Nyc Police Department
 Street Address One Police Plaza
New York, N.Y. 10007

County, City New York, N.Y.
 State & Zip Code 10007
 Telephone Number _____

Defendant No. 2 Name NYC Department of Buildings
 Street Address 280 Broadway
 County, City New York, N.Y.
 State & Zip Code 10007
 Telephone Number _____

Defendant No. 3 Name Bellevue South Associates
 Street Address 902 Broadway
 County, City New York, N.Y.
 State & Zip Code 10010-6002
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? U.S. Constitution: unreasonable search;

FIRST + FOURTH Amendment; ASSAULT; FALSE ARREST; FALSE IMPRISONMENT;

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? See Attached
Complaint

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

C. Facts: _____

What
happened
to you?

Who did
what?

Was anyone
else
involved?

Who else
saw what
happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

Psychological trauma; psychiatric treatment;

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. _____

\$10,000,000.00 (Ten-million dollars)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 29 day of march, 2016

Signature of Plaintiff

Wilfredo Torres

Mailing Address

470 Second Avenue (2A)
NYC 10016

Telephone Number

212 447 1737

Fax Number (if you have one) _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number _____

**PRO-SE
CIV.**_____

United States District Court

Southern District of New York

Wilfredo Torres,

Plaintiff

-against-

New York City Police Department

New York City Department of Buildings

Bellevue South Associates,

Defendants

-2-

COMPLAINT:

Since 2003 I have complained to my landlord, Bellevue South Associates (“Bellevue”), and to the New York City Department of Buildings (“DOB”), that a commercial coal oven at 462 Second Avenue, and its chimney erected in close proximity to my apartment are illegal and represent a serious threat to my health.

Exhibit 1.

On June 22, 2015, I appeared at the Office of the Inspector General of “DOB”, where I met

-3-

with investigator Jacob Petersen and filed a complaint of corruption against the agency for refusing to enforce its own laws related to the illegal oven and chimney. Exhibit 2.

On July 20, 2015, Mr. Petersen dismissed my complaint.

I persisted complaining to “Bellevue”, to “DOB”, and to government officials, and on September 28, 2015 at about 9:00AM policeman “Fryc”, “Machio”, and about four (4) others from the New York City Police

-4-

Department, along with an employee from “Bellevue”, raided my apartment at gun-point after breaking its door; handcuffed, arrested, interrogated, and threatened me; searched the entire apartment; and casually left while stating “the landlord will replace your door”.

They did not have a search-warrant, and left a note claiming that the Inspector General of “DOB”, Mr. Denis McGowan, had ordered the raid. Exhibit 3.

-5-

**This left me traumatized, humiliated, in fear
for my life, and violated my federal and state
Constitutional rights.**

Wilfredo Torres

Wilfredo Torres

470 Second Avenue Apt.2-A

New York, N.Y. 10016

Telephone: 212-447-1737

Exh.
1



June 22, 2015

**City of New York
Department of Investigation
Attn. Mr. Jacob Peterson, Investigator
11 Park Place Suite 201
New York, N.Y.**

exh.
2

Dear Mr. Peterson:

On 8-06-14, I sent a letter to the Mayor denouncing corruption at DOB and DEP in relation to an illegal coal fired-oven and chimney in my building of residence. See copy, photograph, and news article.

On 3-25-15, I filed a complaint at DOI. See copy.

On 5-21-15, I filed 311 complaint #1-1-1105574941.

A few days ago the DOB inspector dismissed it falsely stating that it had been corrected through alteration #140282860. That alteration ^{is} not related to this violation. See copy.

DOB continues its corrupt practices in this case.

Thank you for investigating this matter.

Wilfredo Torres
**Wilfredo Torres
470 Second Avenue Apt.2-A
New York, N.Y. 10016
Telephone: 646-476-4142**

exh.
3

~~WOB~~ ~~Silva~~ Hardyman
8 Policemen

P.O
Machio

~~P.O~~ Pryc
Intel

Mcgowan, Dennis